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August 22, 2013

Ex Parte Notice

Ms. Marlene H. Dortch,
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Rules and Regulations Implementing the Truth in Caller ID Act of 2009, WC Docket No. 11-39

Dear Ms. Dortch:

On Tuesday August 20, 2013 the undersigned and Bob Gnapp on behalf of the National Exchange Carrier Association (NECA) together with Gerard Duffy from the Western Telecommunications Alliance (WTA), and Jill Canfield from the NTCA – the Rural Broadband Association (NTCA), (collectively, Rural Representatives or Group) met with Rebekah Goodheart, advisor to acting Chairwoman Mignon Clyburn and Travis Litman of the Wireline Competition Bureau to discuss rural call completion issues.

The Group urged the FCC to act swiftly in its pending rulemaking (the comment cycle ended in May). The Representatives also urged enforcement action against carriers who fail to connect calls to rural consumers, citing troubling and life-threatening examples of call failure, including a surgeon who did not receive a call that was needed to perform emergency surgery.

Record retention rules and safe harbor provisions were also discussed. The Group said retention rules are necessary for carriers to track their progress to internally resolve issues and aid enforcement efforts. The Group advocated eligibility for safe harbors after a minimum 4 quarters of comparable call completion performance between a carrier's rural and non-rural areas. Un-earned safe harbors that would avoid record retention would create loopholes allowing carriers to evade detection and perpetuate the problem. It was

noted the parties who advocate these safe harbors have a demonstrable record of not completing calls to rural areas.

The Group also pointed out that false ringtones serve no purpose but to deceive calling parties into believing their call has been successful, when in fact it has not. The Group recommended carriers follow industry standard call set-up practices and provide silence to the calling party until a connection has been established. This would enable the caller to correctly determine a problem originates with the originating carrier.

The Group also addressed claims that changes in the intercarrier compensation regime would eliminate the need for retention and reporting. The costs of data retention and reporting requirements are minimal and are far outweighed by the harm the call completion problem is causing. The Group discussed proposals for combating the growing call completion problem. It was noted that despite falling ICC rates, call completion problems in rural areas persist and are likely to persist without further Commission action.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. If you have any questions, please do not hesitate to contact me at (202) 682-2496 or csandy@neca.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin Sandy". The signature is fluid and cursive, with a large, stylized "S" at the end.

cc:

Rebekah Goodheart
Travis Litman